

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

and

AQUINNAH/GAY HEAD
COMMUNITY ASSOCIATION, INC.
(AGHCA) and TOWN OF AQUINNAH,

*Intervenor-Plaintiffs/Counterclaim-
Defendants,*

vs.

THE WAMPANOAG TRIBE OF GAY
HEAD (AQUINNAH), THE
WAMPANOAG TRIBAL COUNCIL OF
GAY HEAD, INC., and THE
AQUINNAH WAMPANOAG GAMING
CORPORATION,

Defendants/Counterclaim-Plaintiffs,

and

CHARLIE BAKER, in his official
capacity as GOVERNOR,
COMMONWEALTH OF
MASSACHUSETTS, et al.,

Third-Party Defendants.

CASE NO: 1:13-cv-13286-FDS

[Formerly Supreme Judicial Court for Suffolk
County, Massachusetts, CIVIL ACTION NO.
2013-0479]

Hearing Date: May 20, 2019

Place: Courtroom 2

Time: 11:00 a.m.

**HONORABLE JUDGE F. DENNIS
SAYLOR IV**

**DECLARATION OF SCOTT CROWELL IN SUPPORT OF TRIBE'S OPPOSITION TO
TOWN/AGHCA'S MOTION FOR LEAVE TO FILE REPLY, TRIBE'S OPPOSITION
TO COMMONWEALTH'S MOTION FOR LEAVE TO FILE REPLY, AND IN
SUPPORT OF TRIBE'S MOTION FOR LEAVE TO FILE SUR-REPLY**

I, Scott Crowell, declare:

I am an attorney admitted *pro hac vice* before this Court to represent prevailing parties on appeal, Defendants the Wampanoag Tribe of Gay Head (Aquinnah), and the Aquinnah Wampanoag Gaming Corporation, in this matter. I have personal knowledge of the matters set forth herein and if called as a witness to testify, I could and would testify to the following:

1. The Document marked as Exhibit “A” and attached hereto is a true and accurate copy of the Notice of Violation and Temporary Closure Order issued by the National Indian Gaming Commission closing the gaming facility operated by the Nooksack Tribe in Washington State.
2. The Document marked as Exhibit “B” and attached hereto is a true and accurate copy of the Notice of Violation and Temporary Closure Order issued by the National Indian Gaming Commission closing the gaming facility operated by the Picayune Rancheria of Chukchansi Indians in the State of California.
3. The Document marked as Exhibit “C” and attached hereto is a true and accurate copy of the list of enforcement actions taken by the National Indian Gaming Commission as set forth on the National Indian Gaming Commission’s official web page, nigc.gov, and specifically, www.nigc.gov/commission/enforcement-actions, as of April 30, 2019.
4. The Document marked as Exhibit “D” and attached hereto is a true and accurate copy of the email exchange between counsel for the Town of Aquinnah, Joshua Bone, and myself, regarding the Town’s request for the Tribe’s assent to the Town’s motion for leave to file a reply brief (Doc. 186).
5. The Document marked as Exhibit “E” and attached hereto is a true and accurate copy of the email exchange between counsel for the Commonwealth of Massachusetts and the

Third Party Defendant officials of the Commonwealth, Juliana Rice, and myself, regarding her clients' request for the Tribe's assent to her clients' motion for leave to file a reply brief (Doc. 187).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of May, 2019.

s/ Scott Crowell
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